MGJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.41 of 2007
in
Family Court Appeal No.113 of 2005

Mrs.Soccura Fernandes ..Applicant

vs.

Mr.Robert Fernandes ..Respondent

Shri Balasaheb Deshmukh for applicant.

CORAM: S.B.MHASE &
Smt.NISHITA MHATRE JJ.
27th February, 2007

P.C.

1. Heard.

2. The matter stands disposed of because of non compliance of order dated 11th December, 2006, however, non compliance was the fault of the Advocate. Parties should not suffer for the lapse on the part of the Advocate and, therefore, we are inclined to set aside the order dated 11th December, 2006 as a result of which the matter was disposed of, however, subject to payment of cost of Rs.1000/- Therefore, civil application is allowed in terms of prayer clauses 14(a) and (b) subject to payment of cost of Rs.1000/- to be paid to the State Legal Aid Authorities within a period of 15 days. If cost is not paid within

stipulated period the order dated 11th December, 2006 shall continue. Liberty to make fresh application in respect of other prayers in the civil application.

(Smt.NISHITA MHATRE J.) **(S.B.MHASE J.)**